



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Burke Attorney Docket No.: WEEI121863
Application No.: 10/826,131 Art Unit: 1724 / Confirmation No.: 8767
Filed: April 16, 2004 Examiner: F.G. Prince
Title: NITROGEN RECOVERY SYSTEM AND METHOD USING
HEATED AIR AS STRIPPING GAS

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

Environmental Energy & Engineering Co., a Washington corporation, having a principal place of business at 6007 Hill Street NE, Olympia, Washington 98516, represents that it is the owner of the entire right, title, and interest in the above-identified patent application by virtue of a chain of title as shown below.

1. From: Dennis A. Burke
To: Western Environmental Engineering Company
Recorded on September 28, 2005 at Reel 016594, Frame 0875
2. From: Western Environmental Engineering Company
To: Environmental Energy & Engineering Co.
Recorded on May 9, 2006 at Reel 017593, Frame 0790

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,866,779, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,866,779, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,866,779 in the event that said prior U.S. Patent No. 6,866,779 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise

05/19/2006 FFANAEIA 00000039 10826131

02 FC:2814

65.00 OP

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSSMLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100


terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Our Check No. 170486 includes the sum of \$65 for the terminal disclaimer fee under 37 C.F.R. § 1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 15, 2006
Date


Laura A. Cruz
Registration No. 46,649
Direct Dial No. 206.695.1725
Attorney for Owner/Applicant

LXC:mmw/skg

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100